

THE WILMINGTON POST,
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THURSDAY, JULY 29, 1875.

Opinions of Prominent Democrats
on the Convention Question - Read
and Circulate.

In response to calls we lay before our readers the following letter from Judge Fowle on the Convention question:

RALEIGH, Oct. 26, 1874.

My dear W. D. Howland:

Sir:—In reply to your letter asking my opinion in regard to the calling of a convention by the next General Assembly, for the purpose of amending the Constitution of North Carolina, I have to say:

That in my opinion a call of a Convention for the purpose indicated would be unwise, inexpedient and productive of great harm to the material interests of the State.

The defeat of the Conservative party in North Carolina in 1876 would be a public calamity. "The defeat would, in my opinion, be insured if the proposed action is taken."

A very cursory examination of the Constitution and history of North Carolina will satisfy the enquirer that, of the two methods provided for amending the Constitution, to-wit: the legislative and conventional, the intention was, that for ordinary times, and for the correction of ordinary evils, it was thought wise by our fathers that the legislative mode should be adopted, and that the mode of amendment by the convention was only to be resorted to when the exigency of the occasion was extreme, and was a substitute in a Democratic and Republican form of government for revolution, and was *not* to be exercised unless the emergency was great.

We find accordingly that after the adoption of the constitution of 1776, there was no convention of the people of North Carolina until the year 1830, except the conventions of 1778 and 1789 which were called for the purpose of ratifying the Federal constitution, and that since that time there has been no convention of the people which has been called for the purpose of amending the constitution, and has actually done so until the year 1868.

The convention which was called in 1868 was for the purpose of taking North Carolina out of the Union, and the convention of 1868, being called under Presidential Proclamation, and its conclusions being repudiated by the people, are not to be considered in this connection.

The policy of the State then being well settled not to call a convention of the people except upon extraordinary occasions, is there anything in the political condition of the State that will justify such action at this time?

A very earnest and able advocate of the convention movement, in reply to an interrogatory from me as to the necessity for a convention, stated that he desired a convention in order that the constitution should be amended in three particulars:

1. Requiring the Judges of the Superior Court to rotate.

2. Disqualifying a person who has been convicted of an infamous crime from voting.

3. Requiring the poll tax to be paid as a qualification of a voter.

In regard to the first and second of these amendments, after considerable inquiry I am satisfied that they will meet with but very little opposition from either of the great political parties.

I have heard at least two of the Republican Judges express themselves in favor of the first proposed amendment, and one of them expressed it as his opinion that every member of the judiciary would give his personal indifference to the proposed amendment. As to the second, the mere introduction of the proposed amendment is enough to secure its passage before any Legislature that can now be elected, regardless of its political complexion.

As to the third proposed amendment, it is to be regretted that its effect would be to diminish the Republican vote in the State several thousand votes, thereby insuring a Conservative triumph.

The proposed amendment itself is in my opinion a very good one, because the increased taxation that would be thus derived would greatly benefit the common schoolmen of the State. But I do not believe that the vote would be materially diminished by its adoption, because in every well contested election the funds will be provided to pay the poll tax for such voters as cannot pay for themselves, and it will show where I get through our elections in 1876, with all the great political parties.

But even if I should be mistaken in this, the success of our party in 1876 is not a good reason for deviating from the course of action in regard to constitutional amendments which has been sanctioned by the wisdom of our forefathers; because it would be establishing a precedent for tampering with the constitution whenever the exigency of a party required it, and conventions in North Carolina would become as frequent as revolutions in Mexico.

In a very able letter, signed by W. A. Wright, Esq., and five other distinguished gentlemen, dated Oct. 22, 1874, the following expression is used:

"Suffice to say then, that in almost every state of the Union, and in every one of the "Confederate" states, where the "Confederate" constitution varies from the old constitution of our fathers, the difference has been productive of unmix'd evil. In our opinion the sooner we return to that old constitution the better it will be for the people of North Carolina, observing, of course, the changes rendered necessary by the war and its results. And we deem it proper to say here, in order to prevent any possible misunderstanding, that we believe no one contemplates, as no one ought to contemplate, any change in regard to the Fisherman's exemption, save such as will enlarge and render more secure that wise and benevolent provision. We deem it proper to say also that we believe no one contemplates any change in the constitution

tending to impair the rights of the colored people."

To the good association we respectfully enter our dissent.

There are several changes in the organic law made by the convention of 1868, other than the exceptions made by these gentlemen, which, in my opinion, for the people of North Carolina will not willingly yield—as for instance:

The election of the Judges by the people.

The abolition of the county courts and the election of county commissioners by the people.

There may be a considerable portion of our people, particularly in the Eastern section of the State, who would be glad to see us get rid of the old system of electing judges to elect Judges and county commissioners. So far as the election of Judges is concerned, the remedy is easy by electing Judges on a general ticket, but so far as county commissioners are concerned, I do not believe that the white people in the West are willing to delegate to the Legislature their right to elect magistrates, who shall elect county commissioners and our people generally are well satisfied at being rid of the cumbersome and expensive old county court systems.

But apart from all this, it would be a political blunder to call a convention.

In 1870 the people of North Carolina voted the Constitutional ticket. Now a word was said about convening during the canvass. The Legislature was convened by nearly two-thirds majority.

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